IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15791 of 2004

Between:

Tippannagari Narayanappa, S/o Thimmappa,
R/o Ontimiddi Village, Kalyanadurg Tq., Anantapur District

..... PETITIONER

AND

1 The Andhra Pradesh State Road Transport Corporation, rep by

Regional Manager, Anantapur
2 The Andhra Pradesh State Road Transport Corporation, rep by

Depot Manager, Kalyandurg, Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the proc No. P4/255 (24)/03-RM 'A" dated 19-6-2003 of the 1st respondent as arbitrary, illegal violative of principles of natural justice and as violative of the award dated 9-1-2002 in ID 100/99 of the Hon'ble Industrial Tribunal-cum-Labour Court, Anantapur and set-a side the same and consequently direct the respondents to re-instate me into service in accordance with the Award dt.09-01-2002 in ID 100/99 of the Hon'ble Industrial Tribunal-cum- Labour Court Anantapur with all consequential and attendant benefits.

Counsel for the Petitioner: MR.INENIVENKATA PRASAD

Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC for APSRTC)

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15791 OF 2004

ORDER:

The petitioner worked as a casual Driver after the inclusion of his name in the list of selected candidates. Subsequently, he was issued a charge sheet on 28-04-1998 and after an enquiry, he was imposed a punishment of removal from service. He preferred an appeal but in vain.

2. He approached the Industrial Tribunal through I.D.No.100 of 1999 and the Industrial Tribunal allowed the same on 09-01-2002 directing the respondent to issue fresh appointment to the petitioner as a Driver. It was further mentioned in the said order that he is not entitled to any monetary or service benefits of his past service. The respondent was also directed to differ three annual increments with cumulative effect after the reinstatement.

3. In pursuance of the direction of the labour Court, the petitioner was reinstated into service. Subsequently on 28-05-2003 a letter was sent to the petitioner requiring him to report to duty at Rayadurg Depot on 17-04-2003, but he failed to report to duty. He was also issued another proceedings requiring him to report to duty on 5-6-2003. Since the petitioner failed to report to duty as required by the respondent, his name was deleted from the list of the selected candidates and he was disengaged. The petitioner, being aggrieved by the order of the respondent, approached this Court through this writ petition seeking a direction to restore his name to the list of selected candidates and to avail his services as a casual Driver.

4. The learned counsel for the petitioner represented that the petitioner could not respond to the notice of the respondent dated 28-05-2003 due to sickness, therefore, the respondent ought to have given him another opportunity without resorting to delete his name from the list of the selected candidates without conducting any enquiry. Since no enquiry was conducted by the respondent before removing the name of the petitioner from the list of the selected candidates, the order cannot be sustained.

5. In the light of the above circumstances, the respondent is directed to restore the name of the petitioner to the list of the selected candidates and avail his services as per the existing Rules.

6. The Writ Petition is accordingly allowed. No order as to costs.

Dr. G.YETHIRAJULU, J

03rd September, 2004

SKM

To

1 The Regional Manager, Andhra Pradesh State Road Transport

Corporation, Anantapur

2 The Depot Manager,Andhra PRadesh State Road Transport

Corporation, Kalyandurg, Ananthapur District

3 Two CD copies.